

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ARTURO ALEXANDER BARRIENTOS,

Petitioner,

v.

MORROW COUNTY CIRCUIT COURT,

Respondent.

Case No. C15-1064-BJR-MAT

REPORT AND RECOMMENDATION

On June 26, 2015, petitioner Arturo Barrientos submitted to this Court for filing a petition for writ of habeas corpus under 28 U.S.C. § 2254. (*See* Dkt. 1.) However, petitioner failed to submit with his petition either the \$5.00 filing fee or an application to proceed with this action *in forma pauperis*. (*See id.*) Thus, on July 1, 2015, the Clerk sent petitioner a letter notifying him of this deficiency and advising him that he would have to submit either the filing fee or a completed application for *in forma pauperis* status on or before July 31, 2015, or risk dismissal of this action. (Dkt. 2.) The Clerk also sent petitioner the appropriate *in forma pauperis* application form to complete. (*See* Dkt. 2.) To date, petitioner has submitted neither the filing fee nor a completed application for leave to proceed *in forma pauperis*.

As petitioner has had ample time to comply with the filing fee requirement, but has failed

1 to do so, this Court recommends that the instant action be dismissed without prejudice for failure
2 to prosecute. A proposed order accompanies this Report and Recommendation.

3 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
4 served upon all parties to this suit within **twenty-one (21) days** of the date on which this Report
5 and Recommendation is signed. Failure to file objections within the specified time may affect
6 your right to appeal. Objections should be noted for consideration on the District Judge's
7 motions calendar for the third Friday after they are filed. Responses to objections may be filed
8 within **fourteen (14) days** after service of objections. If no timely objections are filed, the
9 matter will be ready for consideration by the District Judge on **September 11, 2015**.

10 DATED this 20th day of August, 2015.

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13 Mary Alice Theiler
14 United States Magistrate Judge
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